UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/373
11 May 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions on the former Yugoslavia, and in particular its resolution 820 (1993),

Desiring to promote free and unhindered navigation on the Danube in accordance with those resolutions,

Recalling statements made by the President of the Security Council on freedom of navigation on the Danube, in particular that made on 13 October 1993 (S/26572) expressing concern about the imposition of illegal tolls on foreign vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Reminding States of their obligations under paragraph 5 of resolution 757 (1992) not to make available to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro) any funds or any other financial or economic resources and to prevent their nationals from making available to those authorities or to any such undertaking any such funds or resources, and noting that flag States may submit claims to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) for reimbursement of tolls illegally imposed on their vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Taking note of the letter (S/1995/372) of the Chairman of the Committee established pursuant to resolution 724 (1991) regarding use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of the locks of the Iron Gates I system on the left hand bank of the Danube while repairs are carried out to the locks on the right hand bank,

Recognizing that the use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of these locks will require an exemption from the provisions of paragraph 16 of

resolution 820 (1993) and acting, in this respect, under Chapter VII of the Charter of the United Nations,

1. Decides that the use of the locks of the Iron Gates I system on the left hand bank of the Danube by vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be permitted in accordance with this resolution;

2. Further decides that this resolution shall come into force on the day following the receipt by the Council from the Committee established pursuant to resolution 724 (1991) of a report by the Danube Commission that they are satisfied that preparations for the repairs to the locks of the Iron Gates I system on the right hand bank of the Danube have been completed; and that this resolution shall remain in force, subject to paragraph 6 below, for a period of 60 days from the date on which it comes into force, and, unless the Council decides otherwise, for further periods of up to 60 days if the Council is notified by the Committee established pursuant to resolution 724 (1991) that each such further period is required for completion of the necessary repairs;

3. Requests the Government of Romania, with the assistance of the European Union/Organization for Security and Cooperation in Europe Sanctions Assistance Missions, strictly to monitor this use including if necessary by inspections of the vessels and their cargo, to ensure that no goods are loaded or unloaded during the passage by the vessels through the locks of the Iron Gates I system;

4. Further requests the Government of Romania to deny passage through the locks of the Iron Gates I system on the left hand bank of the Danube to any vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above which is identified as being a party to any suspected or substantiated violation of the relevant Council resolutions;

5. Requests the Sanctions Assistance Missions Communications Centre to report to the Committee established pursuant to resolution 724 (1991) and to the Romanian authorities operating the locks of the Iron Gates I system on the left hand bank of the Danube any suspected violation of any of the relevant Council resolutions by vessels using the locks of the Iron Gates I system under the authority of paragraph 1 above and to transmit to the Committee and to the Romanian authorities evidence that any such violation has in fact occurred; and decides that the Chairman of the Committee shall, after consulting members of the Committee, transmit to the Council any substantiated evidence of such a violation forthwith;

6. Decides that the exemption provided for in paragraph 1 above shall terminate on the third working day after the Council receives substantiated evidence from the Chairman of the Committee established pursuant to resolution 724 (1991) of a violation of any of the relevant resolutions of the Council by a vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above, unless the Council decides to the contrary, and that the Government of Romania shall be so informed immediately;

7. Requests the Executive Director of the Danube Commission to inform the Chairman of the Committee established pursuant to resolution 724 (1991) of the date of completion of the repairs, or, if the repairs have not been completed within 60 days of the entry into force of this resolution, or within the subsequent periods of up to 60 days for which the provisions of this resolution may be extended, to provide the Chairman with a report on the state of the repairs 10 days before the expiry of any such period;

8. Confirms that, in accordance with the provisions of resolution 760 (1992), the importation into the Federal Republic of Yugoslavia (Serbia and Montenegro) of supplies essential to the repair of the locks on the right hand bank of the Danube may be approved in accordance with the procedures of the Committee established pursuant to resolution 724 (1991) at a meeting or meetings of the Committee;

9. Decides to remain seized of the matter.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1995/374
9 May 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you of the continued violations of the cease-fire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by the Iranian side between 23 March and 24 April 1995, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

Iranian violations of the cease-fire and the 1991 Tehran agreement, 23 March-24 April 1995

1. 23 March 1995

At 0800 hours four tanks, five tents and a vehicle with 50 persons, 30 in military uniform and 20 wearing black trousers and white shirts, were seen beyond the Iranian post opposite the Sayf Sa'd slope at coordinates 8621, 1.5 kilometres from the international boundary.

2. 23 March 1995

At 0900 hours two Iranian helicopters were observed for a short period of time flying over the Kalliyah and Mimak mountain chain along the international boundary. They then returned to Iranian territory.

3. 23 March 1995

At 0930 hours a helicopter flying at low altitude was seen coming from Qasr-e Shirin to the Khan al-Layl post at coordinates 5291. It then returned to the Iranian rear taking the same course.

4. 23 March 1995

At 1010 hours an Iranian helicopter was seen a number of times reconnoitring the area towards the Kalliyah and Mimak slope. At 1015 hours it returned towards Iranian territory.

5. 23 March 1995

At 1010 hours a helicopter was seen flying over the greater Ak Dağ mountain. It then headed towards the Iranian Khrusrawi border post along the international boundary-line, turned towards Iranian territory and disappeared in the direction of the Iranian rear.

6. 6 April 1995

At 1100 hours the Iranian side proceeded to rebuild the old post at the Naft Saddam position at coordinates 474572, inside the area of separation.

7. 7 April 1995

At 1830 hours nine helicopters were seen flying over Iranian territory and heading from Abad towards the south inside Iranian airspace. One of them violated Iraqi airspace at coordinates 137603 in the Saybah area and flew about the area before returning to Iranian airspace.

8. 7 April 1995

At 1200 hours three Iranian soldiers approached to a distance of 900 metres from the Zayn al-Qaws observation post at coordinates 5096. They ran off when spotted by the guards.

9. 8 April 1995

At 1110 hours a fighter aircraft was seen on the Iranian side flying at low altitude 2 kilometres from the boundary embankment at coordinates 909788. It then turned towards Muhammarah and disappeared.

10. 10 April 1995

At 1100 hours the Iranian side proceeded to lay mines and a 10-metre-long section of barbed wire at coordinates 9001 (Zayd).

11. 15 April 1995

At 0900 hours four military helicopters were observed for a 5-minute period on the Iranian side at coordinates 914017 (Zayd) flying at an altitude of 150 to 200 metres. They then returned inside Iranian territory.

12. 17 April 1995

At 0955 hours two helicopters flying at an altitude of 500 to 1,200 metres were seen 3 to 5 kilometres inside Iranian territory in the area between the Ghazil border post at coordinates 6636 and the Aswad border post at coordinates 7836.

13. 19 April 1995

At 1715 hours an Iranian patrol consisting of three persons and a motorcycle violated the international boundary at coordinates 511501 and infiltrated 1 kilometre inside Iraqi territory. They connected a communications wire to the communications wires of the Iraqi units. When they were intercepted by Iraqi border forces, they opened fire and withdrew in the direction of Iranian territory.

14. 22 April 1995

At 1700 hours an Iranian helicopter was observed for a 30-minute period flying parallel to the border strip 500 metres from the international boundary, opposite our units at coordinates 423643. It then headed towards the Iranian rear.

15. 23/24 April 1995

The Iranian side began to construct a brick building measuring 15 metres by 10 and 1.5 metres high at coordinates 986729 (Shalhah).

UNITED
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Security Council

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S/1995/375
10 May 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry our reconnaissance and cause provocation continued over the period 21-30 April 1995.

21 April 1995

(a) Northern region: 11 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Tall Afar, Zakho, Ayn Zalah and Amadiyah.

(b) Southern region: 22 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Jalibah, Artawi and Busayyah.

22 April 1995

(a) Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Dohuk, Amadiyah, Mosul, Tall Afar, Ayn Zalah and Aqrah.

(b) Southern region: 61 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Qurnah, Nasiriyah, Busayyah, Chabaish, Samawah, Salman, Shanafiyah, Jalibah and Artawi.

(c) On 22 April 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

(i) The first flight entered Iraqi airspace at 1000 hours and left in the direction of Kuwait at 1132 hours.

(ii) The second flight entered Iraqi airspace at 1345 hours and left in the direction of Kuwait at 1510 hours.

23 April 1995

(a) Southern region: 56 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Basra, Nasiriyah, Samawah, Shanafiyah, Salman, Qurnah, Jalibah, Chabaish and Artawi.

(b) On 23 April 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

(i) The first flight entered Iraqi airspace at 0950 hours and left in the direction of Kuwait at 1202 hours.

(ii) The second flight entered Iraqi airspace at 1245 hours and left in the direction of Kuwait at 1455 hours.

24 April 1995

(a) Northern region: 19 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Tall Afar, Zakho and Amadiyah.

(b) Southern region: 42 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Shanafiyah, Jalibah and Artawi.

(c) On 24 April 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

(i) The first flight entered Iraqi airspace at 0955 hours and left in the direction of Kuwait at 1122 hours.

(ii) The second flight entered Iraqi airspace at 1250 hours and left in the direction of Kuwait at 1420 hours.

(d) At 1245 hours on 24 April 1995, a hostile two-aircraft formation dropped three heat flares near Mosul, the capital of Ninawa Governorate.

(e) At 1246 hours on 24 April 1995, a hostile formation broke the sound barrier in Ninawa Governorate.

25 April 1995

(a) Northern region: 10 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Dohuk, Mosul, Irbil, Tall Afar, Amadiyah and Ayn Zalah.

(b) Southern region: 45 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Basra, Qurnah, Chabaish, Nasiriyah, Samawah, Salman, Busayyah, Jalibah and Artawi.

(c) On 25 April 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region of the country, as follows:

(i) The first flight entered Iraqi airspace at 1015 hours and left in the direction of Kuwait at 1210 hours.

(ii) The second flight entered Iraqi airspace at 1335 hours and left in the direction of Kuwait at 1517 hours.

26 April 1995

(a) Northern region: 15 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Dohuk, Irbil, Mosul, Tall Afar, Zakho and Amadiyah.

(b) Southern region: 31 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Chabaish, Basra, Artawi, Qurnah and Jalibah.

(c) At 1310 hours on 26 April 1995, a hostile formation broke the sound barrier in the Suq al-Shuyukh area.

27 April 1995

(a) Northern region: 16 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar, Ayn Zalah and Amadiyah.

(b) Southern region: 36 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Basra, Salman, Jalibah, Artawi and Busayyah.

28 April 1995

(a) Northern region: 27 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Zakho, Amadiyah, Dohuk, Mosul, Aqrah, Irbil, Tall Afar and Ayn Zalah.

(b) Southern region: 52 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Artawi, Jalibah, Samawah, Busayyah, Nasiriyah, Chabaish, Salman, Lasaf and Qurnah.

29 April 1995

(a) Southern region: 52 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Amarah, Basra, Qurnah, Chabaish and Shanafiyah.

(b) On 29 April 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

(i) The first flight entered Iraqi airspace at 1015 hours and left in the direction of Kuwait at 1135 hours.

(ii) The second flight entered Iraqi airspace at 1320 hours and left in the direction of Kuwait at 1435 hours.

30 April 1995

(a) Southern region: 39 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Jalibah, Salman, Artawi and Busayyah.

(b) On 30 April 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

(i) The first flight entered Iraqi airspace at 1210 hours and left in the direction of Kuwait at 1237 hours.

(ii) The second flight entered Iraqi airspace at 1210 hours and left in the direction of Kuwait at 1430 hours.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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General Assembly
Security Council

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A/50/176
S/1995/376
9 May 1995
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fiftieth session
Items 42, 44 and 85 of
the preliminary list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Fiftieth year

Letter dated 8 May 1995 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for May 1995, I have the honour to transmit to you herewith a copy of resolution No. 5487, entitled "The issue of Jerusalem", adopted by the Council of the League of Arab States at its extraordinary session held on Saturday, 6 May 1995.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under items 42, 44 and 85 of the preliminary list, and of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations
Chairman of the Arab Group for May 1995

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* A/50/50.

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ANNEX

Resolution No. 5487
adopted by the Council of the League of Arab States
at its extraordinary session on
7 Dhu'lhijjah A.H. 1415
(6 May A.D. 1995)
concerning
the issue of Jerusalem

The issue of Jerusalem

The Council of the League,

Having considered the letter dated 1 May 1995 from President Yasser Arafat to the Secretary-General of the Council of the League of Arab States, and the note of the General Secretariat,

Having considered also the resolutions adopted by the Arab Summit Conferences, by the Council of the League of Arab States and by Islamic Conferences; in addition to resolutions adopted by the United Nations and its specialized organizations which are concerned with the situation of the city of Jerusalem; as well as the contents of the speech made by H.E. the Secretary-General of the Council of the League of Arab States to this session,

Convinced that the Holy City of Jerusalem is an indivisible part of the Arab lands occupied since 1967, quite apart from its special significance for the Arab world as well as Islamic and Christian society,

Taking into consideration the threats posed to the city of Jerusalem by Israel's continuing implementation of its policy, particularly the Israeli Government's recent decision to expropriate Palestinian land in order to build settlements, thereby extirpating Palestinian Arabs and their rights from the holy city, and contradicting the foundations and principles of the peace process, which has as its basis Security Council resolutions 242 (1967) and 338 (1973), as well as the principle of land for peace, which began with the Madrid Peace Conference and was followed by other concessions and attempts to bring about a just and comprehensive peace,

Decides:

1. Unanimously to condemn the Israeli Government's decision to expropriate more Palestinian land within and around Jerusalem, which constitutes a violation of the precepts of international legality, a threat to international law and order, and a breach of relevant Security Council resolutions, as well as of the rules and principles of international law and the fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War, to say nothing of the extremely serious threat this decision poses to the entire peace process, upsetting the equilibrium of the obligations and rights which give the peace process credibility and make it acceptable.

2. Not to recognize under any circumstances any alterations made by Israel in its capacity as occupying State to the legal status, demographic composition or geographical form of the city of Jerusalem, and to call upon all the countries of the world to affirm their refusal to recognize such changes, which constitute a serious threat to the existing peace process and to the opportunities for peace both now and in the future, in accordance with Security Council resolution 478 (1980).

3. To deny Israel's claim that Jerusalem is its eternal capital, and refuse to recognize that under any circumstances; and to call upon every State in the world to refuse to have dealings with Jerusalem as the Israeli capital.

4. (a) That the Secretary-General and the Arab States should immediately contact the United States of America and the Russian Federation as sponsors of the peace process, permanent and non-permanent members of the Security Council and the States of the European Union, asking them to state plainly their position on these Israeli violations, which are incompatible with the requirements of the peace process.

(b) That the Arab States should support the Palestinian Arab presence and its institutions in the Holy City of Jerusalem.

5. (a) To commission the Kingdom of Morocco, by virtue of the Moroccan monarch's Presidency of the Jerusalem Committee, and the United Arab Emirates, in its capacity as Chairman of the current session, to request that an immediate meeting of the Security Council should be held in order to discuss the matter and declare the illegality of the Israeli decision, Israel's duty to rescind the decision to expropriate Palestinian land within and outside the city of Jerusalem, to halt its settlements programmes, bring to an end the closure of the city and cease all Israeli excavations which jeopardize the foundations of the Al-Aqsa Mosque, in order to guarantee the continuation of the peace process and achieve its aims, which are founded on the decisions of international law, Security Council resolutions 252 (1968), 267 (1969), 465 (1980), 476 (1980) and 478 (1980), the resolutions of the General Assembly of the United Nations and relevant UNESCO resolutions.

(b) To affirm the necessity of taking security measures to protect all public and private Palestinian land without exception, and to have the Security Council take into consideration the special situation in the city of Jerusalem.

6. That the Secretary-General should follow the implementation of this decision and the necessary communications to be made to the United Nations, the Organization of the Islamic Conference and the Group of the Non-Aligned Movement, and present a report thereon to the Council; and that it considers this session remains open.